

**REMARKS**

Claims 1-22 are all the claims pending in the application. Claims 10 and 22 are being amended.

**I. Claim Rejections – 35 USC §112**

The Examiner rejected claims 10 and 22 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner specifically stated that claims 10 and 22 recite the limitation “the guest” in lines 3 and 4, which allegedly has insufficient antecedent basis for this limitation in the claim.

The Applicant herein amends claims 10 and 22 to remove the erroneous reference to “guest” in the claims. The Applicant respectfully requests that the rejection under 35 USC §112 be withdrawn.

**II. Claim Rejections – 35 USC §103**

The Examiner rejected claims 1-7 and 11-19 under 35 USC §103(a) as allegedly being unpatentable over Malik (US 2003/0065768 A1) in view of Sagi et al. (US 6,865,384 B2) and further in view of Antilla et al. (US 2003/0126211 A1).

The Examiner states that, “Malik in combination with Sagi fail to disclose determining capability information of a device used by the guest.” *Office Action*, p. 4. While this statement

is correct, it fails to fully appreciate the invention described in claim 1. The claimed invention does not simply determine capability information of a guest device. The claimed invention presents that compared capability information to the guest device *“prior to the guest transmitting the message to the store and forward messaging system”* (claim 1) so that the guest device only sends a message to the subscriber using a compatible message format. The Applicant cites to paragraph [11] of the Specification, which states:

If the capability information does not match, the messaging system presents to the guest default capability information that is supported by the messaging system. When the subscriber retrieves the message, however, transcoding will be required in order to convert the message to a format supported by the subscriber's device. On the other hand, if the capability information matches, the messaging system presents to the guest only the matching capability information. Therefore, the session continues using the matching capability information, thereby eliminating the need to transcode data when the message is retrieved by the subscriber.

As stated in the Specification, the guest is presented with the capability information of the subscriber device that matches the capability information of the guest device so that the “session continues” with the guest sending a compatible message to the subscriber using the store and forward messaging system. As claim 1 states, the capability information is compared *“prior to the guest transmitting the message to the store and forward messaging system.”* Therefore, while the Examiner is focused on whether the references teach determining capability information of a guest device, the Examiner has not cited to any reference or submitted any

argument that the cited references teach comparing the capability information of the guest and subscriber device *prior to the guest transmitting the message to the store and forward messaging system*, as recited in claim 1. For at least this reason, the pending claims are not taught by any of the cited references, and the Applicant therefore requests that the rejections under 35 USC §103(a) be withdrawn.

With regard to the specific rejections discussed by the Examiner the Applicant respectfully disagrees, and submits that Malik, Sagi and Antilla, taken alone or in combination, fail to teach the elements of the pending claims. Specifically, the combination of Malik, Sagi and Antilla does not teach “*determining capability information of a device used by the guest to connect to a store and forward messaging system*,” as explicitly stated in claim 1.

The Examiner admits that “Malik in combination with Sagi fail to disclose determining capability information of a device used by the guest.” The Examiner then states that “Antilla teaches determining capability information of a device used by the guest to connect to the store and forward messaging system (paragraph 0017).

However, Antilla does not disclose determining capability information of a device used by a guest to connect to a store and forward messaging system. Paragraph [0017] of Antilla only describes the architecture of the inventive system of Antilla, which is designed for multiple users to view media playback simultaneously. While Antilla discusses a terminal 103 for a guest user A and a terminal 105 for a guest user B, Antilla does not discuss any capability information relating to the capabilities of the terminals, and at most only discusses that the terminals may include “one or more microprocessors, application specific integrated circuit (ASIC), discrete

logic circuitry, or a combination of the three approaches.” *Antilla*, paragraph [0017]. There is no discussion of capability information of the terminals, such as acceptable video and audio codecs, screen size or colors supported by the terminals. Therefore, Antilla clearly does not teach, suggest or provide any motivation for determining the capability information of a device used by the guest to connect to the store and forward messaging system.

The Applicant further points out that Antilla does not even describe a “store and forward messaging system.” At most, Antilla only describes sending message requests from a host to a guest to request synchronous viewing of media. Antilla does not describe a store and forward messaging system where a request message from the host is stored until the guest requests that it be forwarded to the guest terminal.

Finally, the Applicant submits that Antilla, just like Malik and Sagi, fail to teach a system where a message is being transmitted from a guest user to a subscriber, as indicated in claim 1 when discussing comparing the compatibility information of the guest device and subscriber device “*prior to the guest transmitting the message...*” Malik, Sagi and Antilla all describe a subscriber sending a message to a guest, while claim 1 is focused on a guest sending a message to a subscriber. Antilla specifically discusses in paragraph [0018] that the “terminal 101 initiates services (*as initiated by the host user*) by sending invite request 121....” *Antilla*, para. [0018] (emphasis added). Therefore, Antilla, taken alone or in combination with Malik and Sagi, fails to disclose, teach, suggest or provide any motivation for a system as described in claim 1 where a guest transmits a message to a subscriber after comparing capability information of the guest and subscriber device.

The Examiner additionally rejected claims 8, 9, 20 and 21 under 35 USC §103(a) as allegedly being unpatentable over Malik in view of Sagi.

The Applicant submits that neither Malik nor Sagi teach the comparing of capability information between a device used by the subscriber and the stored device capability to determine if the capability information has changed, as recited in claims 8 and 20.

The Examiner states that paragraph 0071 of Malik discloses comparing the determined capability information of the devices used by a subscriber to the device capability information already stored in the system. However, paragraph 0071 does not mention the idea of comparing features, let alone the capability information of one device to another. Additionally, as mentioned above, Malik is directed specifically to superficial characteristics of a device, such as the brand or wireless carrier, whereas the claimed invention is directed to the functional capabilities of the device, such as its ability to process specific audio and video codecs.

Therefore, the Applicant submits that neither Malik nor Sagi, taken alone or in combination, teaches the elements of claims 8 and 20.

Further, as neither Malik nor Sagi teach comparing capability information of a subscriber device with stored capability information, Malik and Sagi cannot describe replacing the stored capability information with the subscriber device capability information, as recited in claims 9 and 21.

Therefore, the Applicant respectfully requests that the Examiner withdraw the rejections of claims 8, 9, 20 and 21 under 35 USC §103.

### III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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